

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HARLEY D. PYRON,

Defendant.

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8:05CR334

ORDER

This matter is before the court on defendant's MOTION TO CONTINUE TRIAL (#14). I find that a continuance should be granted in the interest of justice due to defense counsel's scheduling conflict.

IT IS ORDERED that defendant's Motion (#14) is granted, as follows:

1. Trial of this matter is continued to **December 6, 2005**.
2. The ends of justice will be served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **November 8, 2005 and December 6, 2005**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act due to defense counsel's scheduling conflict. Failure to deny this motion might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).
3. Defendant shall file a speedy trial waiver as soon as is practicable.

DATED October 27, 2005.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**